



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable J. W. McDonald, Commissioner
Department of Agriculture
Austin, Texas

Dear Mr. McDonald:

Opinion No. 0-8582

Re: Seasonal or annual basis of
appropriation by Senate Bill 332,
48th Legislature, from Citrus
Grading Fund.

We have given careful consideration to your request for an opinion upon the question below stated:

Your department's appropriation, made in Senate Bill No. 332, 48th Legislature, contains the following items:

*Out of Citrus Grading Fund

*(H. B. No. 623 and as Amended)

*119.	Supervising Inspectors in Charge.....	\$17,496.00
*120.	Supervising Grade Inspectors Not to	
	Exceed \$200.00 per Month.....	68,831.38
*121.	Inspectors and Seasonal Help Not to	
	Exceed \$150.00 per Month.....	7,500.00*

You advise that the Comptroller has informed you that expenditures under Items 119 and 120 "would be on a basis as annual and limited to not more than one-twelfth of the total per month, during the fiscal year." You ask if this is correct.

The Comptroller obviously has in mind that portion of the general rider to Senate Bill No. 332, which provides in part:

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"All annual salaries shall be paid in twelve equal monthly installments. . . ."

Where the item provides a salary for a single position, or where it provides a lump sum, out of which there may be paid a specified number of employees, the provision above quoted has effect to require that not more than one-twelfth of the amount provided may be expended in any one month.

Not so, however, where a lump sum is provided out of which an indeterminate number of employees may be paid. Individual salaries out of such appropriations may not exceed in any one month one-twelfth of the annual rate; but more than one-twelfth of the total appropriation may be expended in one month, by virtue of the fact that the number of positions is not limited.

You are therefore advised that items 119 and 120 are not subject to the limitation that the total expenditures therefrom for one month may not exceed one-twelfth of the appropriated amount.

APPROPRIATE SET 30 1943

[Signature]
FIFTH ASSISTANT
ATTORNEY GENERAL

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

[Signature]

R. F. Fairchild
Assistant

REF-44

